

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**Clerk's Minutes**

**Before the Honorable Chief Judge William P. Johnson**

**Case No.:** CR18-2945 WJ

**Date:** 7/26/2023

**Parties:** USA v. Leveille, et al.

**Courtroom Clerk/Law Clerk:** R. Garcia/Emily Franke & William Suess

**Court Reporter:** M. Loughran

**Interpreter:** N/A

**Type of Proceeding:** Daubert hearing on (Doc. 761) Motion to Exclude Testimony of Expert Witness Dr. Shuki Cohen

**Place of Court:** Albuquerque

**Total time in Court:** 3 hours and 24 minutes

**Evidentiary Hearing:** YES

**Attorneys Present for Plaintiff(s):**

Kimberly Brawley, Jackson Hall,  
and George Kraehe

**Attorneys Present for Defendant(s):**

Aric Elsenheimer, Angelica Hall, Stand-By counsel Thomas  
Clark for pro se defendant Siraj Wahhaj, Donald  
Kochersberger, Marshal Ray, Ryan Villa, Justine Fox-Young,  
Stand-By counsel Joseph Shattuck for pro se defendant Lucas  
Morton

**Proceedings:**

9:12 Court in session; counsel enter appearances; defendants present.

Ms. Fox-Young calls Dr. Shuki Cohen as a witness; witness sworn.

Direct by Ms. Fox-Young; witness referred to Exhibits Court Docs. 761-1 (Witness's CV); 761-2

(Witness's Expert Report), and 811-1 (Witness's Supplemental Expert Report); moves for admittance;

without objection, the Court admits Court Docs. 761-1, Doc. 761-2, and Doc. 811-1 for purposes of this  
hearing.

10:33 Direct examination by Siraj Wahhaj.

10:49 Court takes a short break.

11:21 Court back in session.

Direct examination by Mr. Elsenheimer.

11:33 Cross examination by Mr. Kraehe; witness referred to Exhibit 6 (18 Section 2331 (Definition of Terrorism)); objection by Mr. Ray – asks to phrase the question as a hypothetical); Mr. Kraehe rephrases the question as a hypothetical; witness referred to Exhibit 7 (Peer Review Paper by Witness re radicalization); defendants have no objection to admittance; Court admits Exhibit 7 for purposes of this hearing.

12:30 Court breaks for lunch until 1:45 p.m.

1:56 Court back in session.

Redirect of witness Dr. Cohen by Ms. Fox-Young.

2:02 Witness excused.

Ms. Fox-Young advises the Court that all previously admitted defense exhibits make reference to documents filed with the Court, with the exception of the videos [submitted and played yesterday by Sirja Wahhaj], which will be provided to the Court and designated Exhibits A, B, C.

2:03 Court notes that concludes all testimony.

The Court asks how long defense ex parte CIPA hearing will take; Ms. Fox-Young advises about 1 hour.

The Court discusses Indictment and wording re terrorism and relevance of Mr. Watt's testimony; Mr.

Kraehe responds re Mr. Watt's testimony.

The Court discusses relevance of Dr. Cohen's testimony in light of what Mr. Watt's proposed testimony would be re terrorism; Mr. Kraehe responds; Mr. Villa replies; Mr. Kraehe responds; Mr. Villa replies; Mr. Ray replies; Mr. Kraehe responds and quotes from Court Doc. 811; Mr. Villa replies.

2:34 Court in recess on this matter.

## WITNESS/EXHIBIT LIST

		CR18-2945 WJ, USA v. Leveille, et al.
Plaintiff's Attorney: Kimberly Brawley, Jackson Hall, and George Kraehe	Defendant's Attorney: Aric Elsenheimer, Angelica Hall, Stand-By counsel Thomas Clark for pro se defendant Siraj Wahhaj, Donald Kochersberger, Marshal Ray, Justine Fox-Young, Stand-By counsel Joseph Shattuc for pro se defendant Lucas Morton	United States District Court District of New Mexico
		Trial/Hearing Date(s): 7/26/2023
Presiding Judge: <b>William P. Johnson</b>	Court Reporter: M. Loughran	Courtroom Deputy: R. Garcia

[illegible]